

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(12) Program 1.1: Visa and Migration

Senator Cash asked:

What processes are in place to ensure that there is no conflict of interest given DIAC officers are lodging the complaints and then other DIAC officers are investigating them and sitting in judgement?

Answer:

A comprehensive review of potential and perceived conflict of interest including in complaints handling was undertaken by an independent probity adviser (Professional Service Integrity Asia Pacific). These strategies are outlined in a probity document. A separate protocol document sets out the relationship between the Office of the MARA and DIAC.

Both documents are publicly available on the website.

The strategies and their implementation were reviewed by Sir Laurence Street AC, who found that all relevant probity requirements had been addressed.

Mitigation strategies that address the integrity of the complaints handling process include:

- separate business systems to carry out complaints management
- publication of the Policy and Procedures Manual (PPM) which includes processes for complaints handling, escalation and review of decisions
- training of staff in impartial assessment and handling of complaints, as well as probity training
- all staff must have an up-to-date conflict of interest declaration.

All complaints, irrespective of their origin, are managed consistently and treated on their merits, in accord with the PPM. All sanction decisions are published and are reviewable by the AAT.

For transparency, the source of complaints is reported on publicly in the Annual Report.

In addition, to further enforce the integrity of the complaints handling process in regard to DIAC initiated complaints:

- all DIAC referrals are made through the Migration Agents Section, and officers within the section also complete a conflict of interest declaration
- a publicly available Memorandum of Understanding was established between the Office of the MARA and DIAC to set out appropriate disclosure and use of information principles
- where a referral concerns a member of the public, their consent to investigate the complaint is also sought.